

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REBECCA L. DYGERT,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,
Defendant.

6:09-CV-0325
(GTS/VEB)

APPEARANCES:

DeSANTIS & DeSANTIS
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Utica, New York 13501

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GEN. COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

OF COUNSEL:

MICHAEL V. DeSANTIS, ESQ.

CHRISTOPHER J. BRACKETT, ESQ.
DENNIS J. CANNING, ESQ.
SOMMATTIE RAMRUP, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above-captioned action for Social Security benefits, filed by Rebecca Dygert (“Plaintiff”) against Social Security Commissioner Michael Astrue (“Defendant”), comes to this Court following a Report-Recommendation by United States Magistrate Judge Victor E. Bianchini, filed on September 7, 2010, recommending as follows: (1) that Plaintiff’s motion for judgment on the pleadings be granted; (2) that Defendant’s motion for judgment on the pleadings be denied; (3) that Defendant’s decision denying disability benefits be reversed; and (4) that the case be remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 19.) Objections to the Report-Recommendation have not been filed and the

time in which to do so has expired. After carefully reviewing all of the papers herein, including Magistrate Judge Bianchini's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; Defendant's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; Defendant's decision denying disability benefits is reversed; and the case is remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

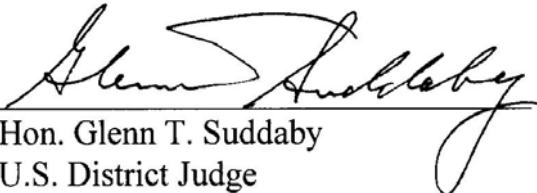
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 16) is **DENIED**; and it is further

ORDERED that Defendant's decision denying disability benefits is **REVERSED**; and it is further

ORDERED that this matter is **REMANDED** to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: September 29, 2010
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge